

U.S. PERSICA BURGAU
Instructions And Forms To Be Observed
In Applying For Navy Fensions

YB 283 A3 1862



### INSTRUCTIONS AND FORMS

TO BE OBSERVED IN APPLYING FOR

# NAVY PENSIONS

UNDER THE

ACT OF JULY 14, 1862.

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1862.



### PENSION ACT OF JULY 14, 1862.

#### GENERAL PROVISIONS.

Under the act of Congress approved July 14, 1862, pensions are granted to the following classes of persons:

- I. Invalids, disabled since March 4, 1861, in the military or naval service of the United States, in the line of duty.
- II. Widows of officers, soldiers, or seamen dying of wounds received or of disease contracted in the military or naval service, as above.
- III. CHILDREN, under sixteen years of age, of such deceased persons, if there is no widow surviving, or from the time of the widow's re-marriage.
- IV. Mothers (who have no husband living) of officers, soldiers, or seamen, deceased as aforesaid, provided the latter have left neither widow nor children under sixteen years of age; and provided, also, that the mother was dependent, wholly or in part, upon the deceased for support.
- V. Sisters, under sixteen years of age, of such deceased persons, dependent on the latter, wholly or in part, for support, provided there are no rightful claimants of either of the three last preceding classes.

The rates of pension to the several classes and grades are distinctly set forth in the first section of the act, a copy of which is herewith published. Only one full pension in any case will be allowed to the relatives of a deceased officer, soldier, or seaman, and in order of precedence as set forth above. When more than one minor child or orphan sister thus becomes entitled to pension, the same must be divided equally between them.

Invalid pensions, under this law, will commence from the date of the pensioner's discharge from service, provided application is made within one year thereafter. If the claim is not made until a later date, the pension will commence from the time of the application. Pensions of widows and minors will commence from the death of the officer, soldier, or seaman on whose service the claim is based.

#### NAVY PENSIONS.

To obtain the navy pensions provided by this act applications must be made, and evidence filed, in strict accordance with the following rules and forms:

Invalids, at the time of their discharge, may make their application, and subscribe the same in the presence of the commanding or executive officer of the vessel or station to which they have been attached, who will countersign the same, and certify to the applicant's identity. The claimant will therewith forward the paymaster's certificate of discharge, indorsed on his application by the paymaster or executive officer.

If the application be made at a later date, it must be before a court of record, or before some officer of such court authorized to administer oaths and having custody of its seal.

Testimony may be taken before a justice of the peace, or other officer having like authority to administer oaths, but in no case will any evidence be received that is verified before an officer who is concerned in prosecuting the claim, or has a manifest interest therein.

The subjoined forms, marked, respectively, A, B, C, D, E, and F, will guide applicants for pensions, of the navy branch, in the several classes. The forms should be exactly followed in every instance. No attorney will be regarded as having filed the necessary declaration and affidavits, as contemplated by the sixth section of the act, unless the *forms*, as well as the instructions given in this pamphlet, are strictly complied with.

In support of the allegations made in the claimant's declaration, testimony will be required in accordance with the following rules:

- 1. The claimant's identity must be proved by two witnesses, certified by a judicial officer to be respectable and credible, who are present and witness the signature of the declarant, and who state, upon oath or affirmation, their belief, either from personal acquaintance or for other reasons given, that he or she is the identical person he or she represents himself or herself to be.
- 2. Every applicant for an invalid pension must, if in his power, produce the certificate of some commissioned officer under whom he served, distinctly stating the time and place of the said applicant's having been wounded or otherwise disabled, and the nature of the disability, and that the said disability arose while he was in the service of the United States and in the line of his duty.

- 3. If it be impracticable to obtain such certificate, by reason of the death or removal of said officers, it must be so stated, under oath, by the applicant, and his averment of the fact proved by persons of known respectability, who must state particularly all the knowledge they may possess in relation to such death or removal; then secondary evidence can be received. In such case the applicant must produce the testimony of at least two credible witnesses, (who were in a condition to know the facts about which they testify,) whose good character must be vouched for by a judicial officer, or by some one known to the department. The witnesses must give a minute narrative of the facts in relation to the matter, and must show how they obtained a knowledge of the facts to which they testify.
- 4. The surgeon's certificate for discharge should show the character and degree of the claimant's disability; but when that is wanting, and when the certificate of a navy surgeon or of a board of survey is not obtainable, that fact must be satisfactorily explained, and the certificate of two respectable civil surgeons will be received, in accordance with form F. These surgeons must give in their certificate a particular description of the wound, injury, or disease, and specify how and in what manner his present condition and disability are connected therewith. The degree of disability for obtaining subsistence by manual labor must also be stated.
- 5. The habits of the applicant, and his occupation since he left the service, must be shown by at least two credible witnesses.

If the applicant claims a pension as the widow of a deceased officer or seaman, she must prove the legality of her marriage, the death of her husband, and that she is still a widow. She must also furnish the names and ages of her children under sixteen years of age at her husband's decease, and the place of their residence. On a subsequent marriage her pension will cease, and the minor child or children of the deceased officer or soldier, if any be living, under the age of sixteen years, will be entitled to the same in her stead from the date of such marriage.

Proof of the marriage of the parents and of the age of claimants will, in like manner, be required in all applications in behalf of minor children.

The legality of the marriage may be ascertained by the certificate of the clergyman who joined them in wedlock, or by the testimony of respectable persons having knowledge of the fact, in default of record evidence. The ages and number of children may be ascertained by the deposition of the mother, accompanied by the testimony of respectable persons having knowledge of them, or by transcripts from the parish or town registers, duly authenticated.

Similar proof will be required of the marriage of the claimant, if the mother of a deceased officer or seaman, and that she remains a widow.

If the claimant be a dependent sister, like proof will be required of the marriage of her parents, and of her relationship to the deceased.

Guardians of minor claimants must, in all cases, produce evidence of their authority as such, under the seal of the court from which their appointment is obtained.

Applicants of the last four classes above given, who have in any manner aided or abetted the rebellion against the United States government, are not entitled to the benefits of this act.

Attorneys for claimants must have proper authority from those in whose behalf they appear. Powers of attorney must be signed in the presence of two witnesses, and acknowledged before a duly qualified officer, whose official character must be certified under seal.

In all cases the post office address of the claimant must be distinctly stated.

Applications under this act will be numbered and acknowledged, to be acted on in their turn. In filing additional evidence, correspondents should always give the number of the claim as well as the name of the claimant.

JOSEPH H. BARRETT,

Commissioner.

Pension Office, July 21, 1862.

#### A.

#### FORM OF DECLARATION FOR A NAVY INVALID PENSION.

a 150
STATE [DISTRICT OR TERRITORY] OF ———————————————————————————————————
On this — day of — , A. D. one thousand eight hundred and — personally appeared before me, — [here state the official character of the person administering the oath] within and for the county and State aforesaid A. B., aged — years, a resident of — , in the State of — , who being duly sworn according to law, declares that he is the identical — who enlisted in the naval service of the United States at — , on the — day of — , in the year — , as a — , and was honorably discharged on the — day of — , in the year — , at — ; that his persona description is as follows: [here state height, complexion, color of hair, occupation, §c.;] that while in the service aforesaid, and in the line of his duty, he received the following wound (or other disability, as the case may be): [Here give a particular and minute account of the wound or other injury, and state how, when, and where it occurred, where the applicant has resided since leaving the service, and what has been his occupation.] He makes this application in order to secure the benefits of the act granting pensions, approved July 14
1862. (Signature of claimant.)
Also personally appeared ————————————————————————————————————
(Signatures of witnesses.)
Sworn to and subscribed before me this ————————————————————————————————————
Applicant's post office address:
В.
FORM OF DECLARATION FOR OBTAINING A WIDOW'S NAVY PENSION.
STATE [TERRITORY OR DISTRICT] OF ————, , } ss:
On this ——— day of ———, A. D. ———, personally appeared before me

On this \_\_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, personally appeared before me \_\_\_\_\_\_ of the \_\_\_\_\_, A. B., a resident of \_\_\_\_\_\_, in the county of \_\_\_\_\_\_, and State [Territory or District] of \_\_\_\_\_\_, aged \_\_\_\_\_\_ years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provision made by the act of Congress approved July 14, 1862, granting pensions: That she is the widow of \_\_\_\_\_\_, who was a \_\_\_\_\_\_\_, [here state decedent's service,] who [here specify the time, place, and cause of dcath.] She further declares that she was married to the

band, the aforesaid ——, died on the day above mentioned, and that she has remained a widow ever since that period, (or if she has re-married and again become a widow, the fact must be stated,) as will more fully appear by reference to the proof hereto annexed. The personal description of the said ——, her deceased lumband, is as follows: [here state his age, height, complexion, occupation, \$\sep\$c.] She also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the United States.
(Declarant's signature.)
Also personally appeared — and —, residents of (county, city, or town,) persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say that they were present and saw — sign her name (or make her mark) to the foregoing declaration; and they further swear that they have every reason to believe, from the appearance of the applicant and their acquaintance with her, that she is the identical person she represents herself to be, and that they have no interest in the prosecution of this claim. (Signature of witnesses.)
Sworn to and subscribed before me this ————————————————————————————————————
(Signature of judge or other officer.)
Applicant's post office address:
С.
FORM OF DECLARATION FOR MINOR CHILDREN IN ORDER TO OBTAIN NAVY PENSION.
STATE [TERRITORY OF DISTRICT] OF ———————————————————————————————————
On this — day of —, A. D. —, personally appeared before me of the —, A. B., a resident of —, in the county of —, and State [Territory or District] of —, aged — years, who, being first duly sworn according to law, doth on oath make the following declaration, as guardian of the minor child of —, deceased, in order to obtain the benefits of the provision made by the act of Congress, approved July 14, 1862, granting pensions to minor children, under sixteen years of age, of deceased officers and scamen; that he is the guardian of —, [naming the minor child or children, his ward or wards,] whose father was a —, [here state decedent's service;] and that the said — died at — on the — day of —, in the year —, [here state the cause of death;] that the mother of the child— aforesaid died (or again married, being now the wife of —,) on the —— day of —, in the year —; and that the date of birth of his said ward— as follows:
He further declares that the parents of his said ward—were married at —, on the ——day of ——, in the year ——, by ——. (Guardian's signature.)
Sworn to and subscribed on the day and year first above written, before—; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.
(Signature of judge or other officer.)

D.

FORM OF DECLARATION FOR MOTHER'S APPLICATION FOR NAVY PENSION.

Total of Pholatelion for Morning Million for Mill Pholon.
STATE [TERRITORY OR DISTRICT] OF ————, } ss:
On this ————————————————————————————————————
Also personally appeared ————————————————————————————————————
(Signatures of witnesses.)
Sworn to and subscribed before me this ————————————————————————————————————
Applicant's post office address:  (Signature of judge or other officer.)
E.
FORM OF DECLARATION OF ORPHAN SISTERS FOR NAVY PENSION.
STATE [TERRITORY OR DISTRICT] OF, \} ss:  County of, A. D, personally appeared before the, of the, A. B., a resident of, in the county of, and State [Territory or District] of, aged years, who, being first duly sworn according to law, doth on oath make the following declaration, in order to obtain a pension under the act of July 14, 1862: That he is the legally-appointed

guardian of [here give the names and ages of his ward or wards,] who —— the

only surviving child——, under sixteen years of age, of ———, and ———, his wife, and sister— of ———, who was a [here state decedent's services and
personal description] who [here state the time, place, and cause of his death]
That the brother of his said ward—, upon whom they were wholly or in part dependent for support, having left no widow, minor child or children, or mother,
declarant as guardian, and on behalf of his ward-, refers to the accompanying
evidence, and such as may be found in the department, to establish her (or their) claim under the law above named.
,

He further declares that his said ward ——— not in the receipt of any pension under said act.

(Guardian's signature.)

Sworn to and subscribed before me this ——————————————————————, A. D. 186——; and I hereby certify that I have no interest, direct or indirect, in the prosecution of this claim.

(Signature of judge or other officer.)

Applicant's post office address:

F.

#### FORM OF SURGEONS' AFFIDAVIT.

[If the claimant for a pension has not been examined, and the degree of his disability certified, before his discharge, by a navy surgeon, and if the certificate of a navy surgeon or a board of survey is not obtainable, on satisfactory explanation of this fact, he may produce the affidavit of two surgeons reputable in their profession, and certified as such by the magistrate before whom their statement is sworn to, in accordance with the following form:]

(Date.)

Sworn to and subscribed before me this —— day of ———, A. D. 186—; and I hereby certify that the said ——— and ——— are known to me as surgeons in actual practice, reputable in their profession, and that I have no interest, direct or indirect, in the prosecution of this claim.

(Magistrate's signature.)

<sup>&</sup>lt;sup>©</sup> Here give a particular description of the wound, injury, or disease, and specify in what manner it has affected the applicant so as to produce disability in the degree stated.

<sup>†</sup>The blank in the last line but one is to be filled up with the proportional "degree" of disability; for example: "three-fourths," "one-half," "one-third," &c., or "to-tally." as the case may be.

#### AN ACT TO GRANT PENSIONS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any officer, non-commissioned officer. musician, or private of the army, including regulars, volunteers, and militia, or any officer, warrant or petty officer, musician, seaman, ordinary seaman, flotillaman, marine, clerk, landsman, pilot, or other person in the navy or marine corps, has been, since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter be, disabled by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, he shall, upon making due proof of the fact according to such forms and regulations as are or may be provided by or in pursuance of law, be placed upon the list of invalid pensions of the United States, and be entitled to receive, for the highest rate of disability, such pension as is hereinafter provided in such cases, and for an inferior disability an amount proportionate to the highest disability, to commence as hereinafter provided, and continue during the existence of such disability. The pension for a total disability for officers, non-commissioned officers, musicians, and privates employed in the military service of the United States, whether regulars, volunteers, or militia, and in the marine corps, shall be as follows, viz: Lieutenant colonel, and all officers of a higher rank, thirty dollars per month; major, twenty-five dollars per month; captain, twenty dollars per month; first lieutenant, seventeen dollars per month; second lieutenant, fifteen dollars per month; and non-commissioned officers, musicians, and privates, eight dollars per month. The pension for total disability for officers, warrant or petty officers, and others employed in the naval service of the United States, shall be as follows, viz: Captain, commander, surgeon, paymaster, and chief engineer, respectively, ranking with commander by law, lieutenant commanding, and master commanding, thirty dollars per month; lieutenant, surgeon, paymaster, and chief engineer, respectively, ranking with lieutenant by law, and passed assistant surgeon, twenty-five dollars per month; professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain, twenty dollars per month; first assistant engineers and pilots, fifteen dollars per month; passed midshipman, midshipman, captain's and paymaster's elerk, second and third assistant engineer, masters' mate, and all warrant officers, ten dollars per month; all petty officers, and all other persons before named employed in the naval service, eight dollars per month; and all commissioned officers of either service shall receive such and only such pension as is herein provided for the rank in which they hold commissions.

Sec. 2. And be it further enacted, That if any officer or other person named in the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or, if there be no widow, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age

of sixteen years, and no longer.

Sec. 3. And be it further enacted, That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow nor legitimate child, but has left or shall leave a mother who was dependent upon him

for support, in whole or in part, the mother shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension shall commence from the death of the officer or other person dying as aforesaid: Provided, however, That if such mother shall herself be in receipt of a pension as a widow, in virtue of the provisions of the second section of this act, in that case no pension or allowance shall be granted to her on account of her son, unless she gives up the other pension or allowance: And provided, further, That the pension given to a mother on account of her son shall terminate on her re-marriage: And provided, further, That nothing herein shall be so construed as to entitle the mother of an officer or other person dying, as aforesaid, to more than one pension at the same time under the provisions of this act.

SEC. 4. And le it further enacted, That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow, nor legitimate child, nor-mother, but has left or may leave an orphan sister or sisters under sixteen years of age, who were dependent upon him for support, in whole or in part, such sister or sisters shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension to said orphan shall commence from the death of the officer or other person dying as aforesaid, and shall continue to the said orphans until they severally arrive at the age of sixteen years, and no longer: Provided, however, That nothing herein shall be so construed as to entitle said orphans to more than one pension at the same time, under the provisions of this act: And provided, further, That no moneys shall be paid to the widow, or children, or any heirs of any deceased soldier on account of bounty, back pay, or pension, who have in any way been engaged in or who have aided or abetted the existing rebellion in the United States; but the right of such disloyal widow or children, heir or heirs of such soldier, shall be vested in the loyal heir or heirs of the deceased, if any there be.

Sec. 5. And be it further enacted, That pensions which may be granted, in pursuance of the provisions of this act, to persons who may have been, or shall be, employed in the military or naval service of the United States, shall commence on the day of the discharge of such persons in all cases in which the application for such provisions [pensions] is filed within one year after the date of said discharge; and in cases in which the application is not filed during said year, pensions granted to persons employed as aforesaid shall commence on the day of the filing of the application.

Sec. 6. And be it further enacted, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the Pension Office under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, five dollars. In cases wherein additional testimony is required by the Commissioner of Pensions, for each affidavit so required and executed and forwarded, (except the affidavits of surgeons, for which such agents and attorneys shall not be entitled to any fees,) one dollar and tifty cents.

Sec. 7. And he it further enacted, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance under this act, on the condition that he shall receive a per centum upon, or any portion of the amount of such claim, or who shall wrongfully

withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and ag-

gravations of the offence.

SEC. S. And be it further enacted, That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the biennial examinations of pensioners which are or may be required to be made by law, and to examine applicants for invalid pensions, where he shall deem an examination by a surgeon to be appointed by him necessary; and the fees for each of such examinations, and the requisite certificate thereof, shall be one dollar and fifty cents, which fees shall be paid to the surgeon by the person examined, for which he shall take a receipt and forward the same to the Pension Office; and upon the allowance of the claim of the person examined, the Commissioner of Pensions shall furnish to such person an order on the pension agent of his State for the amount of the surgeon's fees.

SEC. 9. And be it further enacted, That the Commissioner of Pensions, on application made to him in person or by letter by any claimants or applicants for pension, bounty, or other allowance required by law to be adjusted and paid by the Pension Office, shall furnish such claimants, free of all expense or charge to them, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and in case such claim is prosecuted by an agent or attorney of such claimant or applicant, on the issue of a certificate of pension or the granting of a bounty or allowance, the Commissioner of Pensions shall forthwith notify the applicant or claimant that such certificate has been

issued or allowance made, and the amount thereof.

Sec. 10. And be it further enacted, That the pilots, engineers, sailors, and crews upon the gunboats and war vessels of the United States, who have not been regularly mustered into the service of the United States, shall be entitled to the same bounty allowed to persons of corresponding rank in the naval service, provided they continue in service to the close of the present war; and all persons serving as aforesaid, who have been or may be wounded or incapacitated for service, shall be entitled to receive for such disability the pension allowed by the provisions of this act to those of like rank, and each and every such person shall receive pay according to corresponding rank in the naval service: Provided, That no person receiving pension or bounty under the provisions of this act shall receive either pension or bounty for any other service in the present war.

Sec. 11. And be it further exacted, That the widows and heirs of all persons described in the last preceding section who have been or may be employed as aforesaid, or who have been or may be killed in battle, or of those who have died or shall die of wounds received while so employed, shall be paid the bounty and pension allowed by the provisions of this act, according to rank, as pro-

vided in the last preceding section.

SEC. 12. And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized to appoint a special agent for the Pension Office, to assist in the detection of frauds against the pension laws, to cause persons committing such frauds to be prosecuted, and to discharge such other duties as said Secretary may require him to perform; which said agent shall receive for his services an annual salary of twelve hundred dollars, and his actual travelling expenses incurred in the discharge of his duties shall be paid by the government.

Sec. 13. And be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved July 14, 1862.

JOINT RESOLUTION TO GRANT PENSIONS TO MASTERS AND OFFICERS UPON THE GUNBOATS IN THE SERVICE OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the masters serving on board of gunboats employed in the service of the United States shall be entitled to all the benefits, including bounty and pension, provided for in an act entitled "An act to grant pensions," passed during the present session of Congress, and the widows, mothers, and heirs of such officers shall be entitled to all the benefits of said act.

Approved July 16, 1862.

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